

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JANELL WINFIELD, TRACEY STEWART
and SHAUNA NOEL,

Plaintiffs,

-against-

CITY OF NEW YORK,

Civil Action No.:
15-CV-5236 (LTS) (KHP)

Defendant.

-----x

DEPOSITION OF

VICKI BEEN

New York, New York

August 2, 2017

8:58 a.m.

Reported by:
JUDITH CASTORE, CLR
Job No.51317

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BEEN

from New York -- I think it's from
New York Law School. The file is
too big . Put on a physical piece
of physical medium, but we're
happy to upload a copy to you.
We'll do that as promptly as we
can.

MS. SADOK: Thank
you.(Whereupon a video is shown to
all parties in the conference
room.)

Q Was that you, Ms. Been,
giving your City Hall breakfast talk?

A It was.

(Document, headed Excerpt of
Commissioner Vicki Been Talk at
City Law Breakfast, Nov. 13, 2015,
was marked Plaintiff's Exhibit 34,
for identification, as of this
date.)

Q So we transcribed a little
snippet from what you just heard. And
the first thing I want to clarify is
that this is talking about, in part,

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people's fears about what may happen if
they stay, correct?

MS. SADOK: Objection. I would
like to state for the record that
we object to this as we haven't
been able to compare your snippet
with the video transcript.

A Yes, it applies to people who
are currently in the neighborhood, yes.
I don't know. It also applies to people
who have left the neighborhood but
still have feelings about the
neighborhood. I was really referring to
the work that people like Lance Freeman
Malo Hutson have done about the feeling
that the neighborhood is no longer one
that they recognize or one that they
feel has -- it's changed.

Q But when you said, So they
worry that even if they stay --

A Right.

Q -- those are people who are
there now?

A Right.

1 BEEN

2 Q And what's come before that
3 is your reference to there being
4 different demographics, correct?

5 MS. SADOK: Objection.

6 A The people who were coming in
7 may look different; may be wealthier;
8 may have different demographics; may
9 have different interests and desires.
10 That's what that's referring to.

11 Q So they worry because of
12 those foregoing things?

13 A Um-hum, yes.

14 Q And so part of that is
15 different racial or ethnic groups?

16 A Maybe.

17 Q Well, as you said before, you
18 weren't just talking about age when you
19 were talking about demographics, right?

20 A No.

21 MS. SADOK: Objection.

22 Q And you are not talking here
23 about income. You separated income out?

24 MS. SADOK: Objection.

25 Q Correct?

1 BEEN

2 MS. SADOK: Objection.

3 A I'm sorry. Is your
4 question -- what is your question? By
5 demographics do I include race an
6 ethnicity? Yes.

7 Q And what else were including
8 in it when you said that?

9 MS. SADOK: Objection.

10 Q May have different
11 demographics?

12 A Can be age; education;
13 poverty status; household composition;
14 family status. Demographics is a pretty
15 broad category.

16 Q And you were just talking
17 about each of those possibilities
18 equally?

19 MS. SADOK: Objection.

20 A I lumped them all together.

21 Q Well, you didn't lump income
22 together. You put income out in the
23 wealthier category, correct?

24 A That's correct.

25 Q And you're saying that race

1 BEEN

2 and ethnicity were not prime among the
3 different demographics that we're
4 talking about?

5 MS. SADOK: Objection.

6 A They are -- race and
7 ethnicity are part of demographics.

8 Q When you were making the
9 reference, different racial and ethnic
10 demographics was not a central part of
11 what were you talking about?

12 MS. SADOK: Objection.

13 A I didn't parse it in that
14 way, Mr. Gurian. I'm talking about
15 demographics. I didn't parse it out.

16 Q Well, from what you know
17 either as a planner or as head of HPD,
18 is race or ethnicity a characteristic
19 that may be picked out or discerned
20 more easily than education level, say?

21 MS. SADOK: Objection.

22 A I just want to be clear, I'm
23 not a planner. But I assume you mean in
24 my work as -- on land use certainly
25 race and ethnicity may be easier to --

1 BEEN

2 I think your words were pick out --
3 than education levels, yes.

4 Q And in your spoken version of
5 it, you specifically referenced that
6 the people who are coming in may look
7 different.

8 A Um-hum.

9 Q Look different how?

10 A They could be older; they
11 could be younger; they could be -- have
12 more purple or green hair than the
13 existing residents; they may be
14 different races. All of those things.
15 I didn't specify.

16 Q I'm asking you what you were
17 thinking about.

18 A All of those things.

19 Q Equally?

20 MS. SADOK: Objection.

21 Q Let me put it this way:

22 You were thinking about
23 purple hair and -- strike that.

24 Let's talk about a
25 neighborhood that's disproportionately

1 BEEN

2 African American. Have you been in any
3 such neighborhoods where there is real
4 and raw fear of displacement?

5 A Yes.

6 Q And the concern in those
7 neighborhoods about the people who were
8 coming in may look different might be
9 that they have green hair or white skin
10 with equal likelihood as between them?

11 MS. SADOK: Objection.

12 A I don't know what people in a
13 community are thinking. That's not -- I
14 don't have that capacity.

15 Q Well, your whole presentation
16 was trying to -- this portion of your
17 presentation was trying to explain what
18 people's concerns were about
19 neighborhood change. And --

20 A -- about displacement.

21 Q Well, I think we've been over
22 this. There is a worry that even if
23 they stay -- my words now -- there is a
24 problem -- your words -- the
25 demographics, the look and feel of

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BEEN

their neighborhood, the sense of the
neighborhood may change. So you are
trying to characterize what is driving
the worries of people in a
neighborhood. Aren't you doing that
here?

MS. SADOK: Objection.

A I'm trying to explain why
there -- why the fear of displacement
is real and raw. That was the purpose
of that slide.

Q But what you did was
talked -- in part was talk about people
who, even if they stay, the
demographics, the look and feel of
their neighborhood, sense of the
neighborhood, may change.

A Yes.

Q And that's because, in part,
the people who are coming in may look
different. And so my question now is .
When presenting that you considered the
green or purple hair at an equivalent
level of worry as someone being of a

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BEEN

different racial or ethnic background?

MS. SADOK: Objection. Asked
and answered.

Q Please answer.

A I do not know which is a
greater fear. I do not know. I know
that people fear displacement because
they see differences.

Q Did you have a view during
your time as HPD commissioner as to
whether the green or purple hair on the
one hand or a different race or
ethnicity from a dominant race or
ethnicity in the neighborhood was more
of a worry or fear?

MS. SADOK: Objection.

A I don't know.

MS. SADOK: Asked and
answered.

A As I have said, I don't know
what is in the heads of the people in
the neighborhood. I know what they say.

Q I understand that. But I'm
asking you how you have thought about

1 BEEN

2 it as HPD commissioner.

3 Did you think that there was
4 the same level of concern in a minority
5 community about the newcomer having
6 green or purple hair or whether the
7 newcomer was of a different race or
8 ethnicity?

9 MS. SADOK: Objection.

10 A To go back to the beginning
11 of this discussion, Mr. Gurian, people
12 fear displacement. And one of the
13 reasons they fear displacement is that
14 they see a neighborhood changing around
15 them. And when they see people who look
16 different, whether it's green hair or
17 race or age or whatever, they think
18 those are not the people who used to be
19 here. Therefore, they think to
20 themselves, There must be displacement.
21 People who were here are not here now.
22 The people who are here now were not
23 here before, therefore, there must be
24 displacement.

25 Q I'm afraid that wasn't the

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BEEN

answer to my question. I will redirect your attention back to the people who were staying who you have explained in the slide have worries based on people looking different. Are you with me?

A I'm with you. I'm not sure you are with me.

Q That's fine. Let me ask the question. So those worriers who were staying because people were coming in looked different, all I'm asking is:

At your role as HPD when you thought about these worries, did you think that the worry about green or purple hair color was as much of a worry as race or ethnicity of the newcomer?

MS. SADOK: Objection. Asked and answered multiple times already.

A As I said before, I don't know.

Q If I were -- perhaps this would help. If I were asking the

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BEEN

question, Do you know? A responsive
answer would be, I don't know. That
wasn't my question.

MS. SADOK: Please don't
direct the witness on how to
answer your questions.

MR. GURIAN: I'm sorry.
Unfortunately, the record will
reflect that the witness has
repeatedly been unresponsive. So
I'm trying to wrap up this line of
questioning.

Q So I'm just asking you when
you thought about it, the worries of
the stayers during your time as HPD
commissioner, did you believe that the
level of worry about green or purple
hair was as much or more than the worry
about the newcomers' race or ethnicity?

MS. SADOK: Objection. Asked
and answered.

A So I think the problem that
we're having is that you seem to assume
that the people who stay don't fear

1 BEEN

2 displacement. And the point that I am
3 making in this discussion is that the
4 people who stay have a real and raw
5 fear of displacement. And one of the
6 reasons that they have a real and raw
7 fear of displacement is that they see
8 the neighborhood is changing and the
9 people in the neighborhood are
10 changing. And they worry that they may
11 be one of the ones who leaves, right?

12 And I don't think that it
13 matters to them whether it's a person
14 who looks different because of race or
15 a person looks different because of
16 their hair is different. They are
17 different than what was there before.
18 Which signals to people that there has
19 been displacement. That's what I was
20 concerned about. So -- all right?
21 That's what I was concerned about.

22 Q So you just said that it --

23 MR. GURIAN: Read back the
24 answer.

25 (Whereupon, the record was

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2 STATE OF new York)
3) :ss
4 COUNTY OF new York)
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7 I, VICKI BEEN, the witness
8 herein, having read the foregoing
9 testimony of the pages of this deposition,
10 do hereby certify it to be a true and
11 correct transcript, subject to the
12 corrections, if any, shown on the attached
13 page.
14

15 

16 VICKI BEEN
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20 Sworn and subscribed to before me,
21 this 18th day of September, 2017.
22

23 

24 Notary Public
25

KRISTIN E SILBERMAN
NOTARY PUBLIC STATE OF NEW YORK
NEW YORK COUNTY
LIC. #01SI6137116
COMM. EXP. Feb. 22, 2018

C E R T I F I C A T I O N

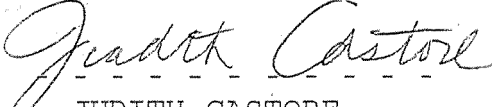
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, JUDITH CASTORE, Shorthand Reporter
and Notary Public within and for the State
of New York, do hereby certify:

That VICKI BEEN, the witness whose
deposition is hereinbefore set forth, was
duly sworn by me and that this transcript
of such examination is a true record of
the testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of August, 2017.


JUDITH CASTORE